

Adopted

Rejected

COMMITTEE REPORT

YES: 7

NO: 3

MR. SPEAKER:

Your Committee on Local Government, to which was referred House Bill 1297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 36-4-3-4 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The legislative
- 5 body of a municipality may, by ordinance, annex any of the following:
- 6 (1) Territory that is contiguous to the municipality.
- 7 (2) Territory that is not contiguous to the municipality and is
- 8 occupied by a municipally owned or operated airport or landing
- 9 field.
- 10 (3) Territory that is not contiguous to the municipality but is found
- 11 by the legislative body to be occupied by a municipally owned or
- 12 regulated sanitary landfill, golf course, or hospital. However, if
- 13 territory annexed under this subsection ceases to be used as a
- 14 municipally owned or regulated sanitary landfill, golf course, or
- 15 hospital for at least one (1) year, the territory reverts to the
- 16 jurisdiction of the unit having jurisdiction before the annexation

1 if the unit that had jurisdiction over the territory still exists. If the
 2 unit no longer exists, the territory reverts to the jurisdiction of the
 3 unit that would currently have jurisdiction over the territory if the
 4 annexation had not occurred. The clerk of the municipality shall
 5 notify the offices required to receive notice of a disannexation
 6 under section 19 of this chapter when the territory reverts to the
 7 jurisdiction of the unit having jurisdiction before the annexation.

8 (b) This subsection applies to municipalities in a county having a
 9 population of:

10 (1) more than seventy-three thousand (73,000) but less than
 11 seventy-four thousand (74,000);

12 (2) more than seventy-one thousand four hundred (71,400) but
 13 less than seventy-three thousand (73,000);

14 (3) more than seventy thousand (70,000) but less than seventy-one
 15 thousand (71,000);

16 (4) more than forty-five thousand (45,000) but less than forty-five
 17 thousand nine hundred (45,900);

18 (5) more than forty thousand nine hundred (40,900) but less than
 19 forty-one thousand (41,000);

20 (6) more than thirty-eight thousand (38,000) but less than
 21 thirty-nine thousand (39,000);

22 (7) more than thirty thousand (30,000) but less than thirty
 23 thousand seven hundred (30,700);

24 (8) more than twenty-three thousand five hundred (23,500) but
 25 less than twenty-four thousand (24,000); or

26 (9) more than ~~two hundred thousand (200,000)~~ **one hundred**
 27 **eighty-two thousand seven hundred ninety (182,790)** but less
 28 than three hundred thousand (300,000).

29 Except as provided in subsection (c), the legislative body of a
 30 municipality to which this subsection applies may, by ordinance, annex
 31 territory that is not contiguous to the municipality, has its entire area
 32 not more than two (2) miles from the municipality's boundary, is to be
 33 used for an industrial park containing one (1) or more businesses, and
 34 is either owned by the municipality or by a property owner who
 35 consents to the annexation. However, if territory annexed under this
 36 subsection is not used as an industrial park within five (5) years after
 37 the date of passage of the annexation ordinance, or if the territory
 38 ceases to be used as an industrial park for at least one (1) year, the

territory reverts to the jurisdiction of the unit having jurisdiction before the annexation if the unit that had jurisdiction over the territory still exists. If the unit no longer exists, the territory reverts to the jurisdiction of the unit that would currently have jurisdiction over the territory if the annexation had not occurred. The clerk of the municipality shall notify the offices entitled to receive notice of a disannexation under section 19 of this chapter when the territory reverts to the jurisdiction of the unit having jurisdiction before the annexation.

(c) A city in a county with a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000) may not annex territory as prescribed in subsection (b) until the territory is zoned by the county for industrial purposes.

(d) Notwithstanding any other law, territory that is annexed under subsection (b) or (h) is not considered a part of the municipality for the purposes of:

(1) annexing additional territory:

(A) in a county that is not described by clause (B); or

(B) in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), unless the boundaries of the noncontiguous territory become contiguous to the city, as allowed by Indiana law;

(2) expanding the municipality's extraterritorial jurisdictional area;

or

(3) changing an assigned service area under IC 8-1-2.3-6(1).

(e) As used in this section, "airport" and "landing field" have the meanings prescribed by IC 8-22-1.

(f) As used in this section, "hospital" has the meaning prescribed by IC 16-18-2-179(b).

(g) An ordinance adopted under this section must assign the territory annexed by the ordinance to at least one (1) municipal legislative body district.

(h) This subsection applies to a city having a population of more than thirty-one thousand (31,000) but less than thirty-two thousand (32,000). The legislative body of a city may, by ordinance, annex territory that:

(1) is not contiguous to the city;

(2) has its entire area not more than eight (8) miles from the city's boundary;

- 1 (3) does not extend more than:
2 (A) one and one-half (1 1/2) miles to the west;
3 (B) three-fourths (3/4) mile to the east;
4 (C) one-half (1/2) mile to the north; or
5 (D) one-half (1/2) mile to the south;
6 of an interchange of an interstate highway (as designated by the
7 federal highway authorities) and a state highway (as designated by
8 the state highway authorities); and
9 (4) is owned by the city or by a property owner that consents to
10 the annexation."
11 Renumber all SECTIONS consecutively.
(Reference is to HB 1297 as introduced.)

and when so amended that said bill do pass.

Representative Hinkle